

Please add the following new claims, claims 22 and 23:

22. A circuit according to claim 1, wherein said circuitry for providing the second audio signal comprises an attenuator, and said circuitry, that receives the second audio signal, for providing an output signal, comprises processing circuitry for providing a feedback signal as said output signal.

23. A circuit according to claim 17, wherein the step of providing an output signal provides a feedback signal, and said step of receiving the first audio signal includes attenuating the first audio signal under control of said second control signal which, in turn, is under control of said feedback signal.

#### REMARKS

In response to the Office Action mailed May 10, 2000, Applicant respectfully requests reexamination and reconsideration. To further the prosecution of this application, amendments have been made in the claims, and two dependent claims have been added to the application, namely claims 22 and 23 and Applicant submits further arguments herein that are believed to clearly place all claims in allowable condition.

It is noted that the Examiner had indicated the claims in this application allowable previously but now has withdrawn the Notice of Allowability citing the patent to Smith, namely U.S. Patent No. 5,533,136. A discussion of this reference follows.

In the Office Action the Examiner has objected to the drawings. Because of the cancellation of subject matter in claim 9, it is believed that no amendment to the drawings is necessary. This rejection should now be moot.

In the Office Action the Examiner has rejected claims 5 and 6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has referred to the limitation "digital means" in line 10. This language in the claim has now been changed by

amendment so that claims 5 and 6 now read "digital circuitry." There is sufficient basis for this language found in claim 3.

The Examiner has also set forth a rejection of claims 5, 6 and 9 under 35 U.S.C. §112, first paragraph. The Applicant has reviewed this rejection and does not agree with the Examiner. Regarding the language in claims 5 and 6, reference is made to the present specification at page 13 starting at approximately line 18 wherein it is stated that "the implementation of the basic block diagram of Fig. 2 can be either: analog, and/or digital, either hardware and/or by means of one or more digital signal processing algorithms and/or one or more software routines." Thus, it is believed that there is sufficient basis for the language found in claims 5 and 6.

Regarding claim 9, the reference to a capacitor has been deleted from claim 9 and thus the rejection of claim 9 should now be moot. All of claims 5, 6 and 9 should be found proper as they now stand, as amended.

With further reference to the rejection of claim 9, it is noted that the component mark "INT" shown in Fig. 3 is discussed on page 12, lines 13-15 as "the integrator, which can be implemented by a capacitor (not illustrated) for example." Given that this paragraph on page 12 and the following two paragraphs on page 12 discuss "a positively increasing ramp" and "the output signal C2 starts to reduce" (page 12, line 28) we believe that it is clear that the comparator ("COMP") must be capable of both sinking and sourcing current.

The Examiner has also rejected the claims of record under both 35 U.S.C. §102 as well as 35 U.S.C. §103 relying solely upon the patent to Smith, namely U.S. Patent No. 5,533,136. This patent has been reviewed by the Applicant. Applicant believes that the Smith patent discloses a feed-forward system in which the control circuitry has absolutely no connection to the output of the attenuator in Smith. In this regard refer to the attenuators 80 in Smith and note that there is no output signal taken from either of these attenuators. On the other hand, in accordance with one embodiment of the present invention and with reference to Fig. 2 thereof, it is noted that there is a an output taken at line 270 from the attenuator 210. This forms a type of feedback. Note the signal FB at line 280 coupling from the signal processing circuitry 220 to the comparator circuitry 230. Such an arrangement is not at all shown in the Smith patent.

Regarding the claims, the claims recite "circuitry, that receives the second audio signal, for providing an output signal in response to the amplitude of the second signal." This

corresponds, in one embodiment, to circuitry 220 which is responsive to the output of the illustrated attenuator 210. The attenuator 210 corresponds, in one embodiment, to the "circuitry that receives the first audio signal and provides the second audio signal. Again, by contrast, Smith discloses only a feed-forward system in which the control circuitry has no connection to the output of the attenuator.

Accordingly, the claims as they now stand, particularly claims 1 and 17 are distinguishable. Claim 1 is distinguishable because of its recitation of "circuitry, that receives the second audio signal, while providing an output signal in response to the amplitude of the second signal." Similar language also appears in claim 17. Accordingly, claims 1 and 17 and all of their dependent claims should now be found allowable over the Smith patent.

Applicant has also added two further claims to this application. These claims are believed to even further distinguish over the art cited by the Examiner. Claim 22 is more specific in that it recites that the circuitry for providing the second audio signal comprises an attenuator and secondly that the circuitry, that receives the second audio signal, for providing an output signal, comprises processing circuitry for providing a feedback signal as said output signal. This provision of a feedback signal as it ties in with the totality of claim 22, taking into account all of the features of claim 1, should clearly be found allowable over the art of record.

A similar type of limitation is recited in claim 23. This recites that the step of providing an output signal includes providing a feedback signal and that the step of receiving the first audio signal includes attenuating the first audio signal under control of said second control signal which, in turn, is under control of said feedback signal. Again, this method is not at all taught by the Smith patent.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee

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occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,

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